

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,

Plaintiff,

v.

HERITAGE PROPERTIES, INC.

Defendant.

Civil Action No. 1:06cv0665 LG-RHW

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Robert Herring who was adversely affected by such practices. As described with greater particularity in Paragraph 7 below, Defendant discriminated against Robert Herring by subjecting him to a sexually hostile work environment and by discharging him in retaliation for his opposition to the sexually hostile work environment and because of his sex, male.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331,

1337, 1343 and 1345. This action is authorized and instituted pursuant to §§ 706(f) (1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f) (1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Mississippi, Southern Division.

### **PARTIES**

3. Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII and is expressly authorized to bring this action by § 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times, Defendant, Heritage Properties, Inc. ("Heritage" or the "Employer"), has continuously been doing business in the State of Mississippi and the city of Ocean Springs, and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant Heritage has continuously been an employer engaged in an industry affecting commerce within the meaning of § 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e (b), (g) and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty (30) days prior to the institution of this lawsuit, Robert Herring filed a Charge of Discrimination with the Commission alleging violations of

Title VII by Defendant Heritage. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least June 2003, Defendant Heritage has engaged in unlawful employment practices at its Ocean Springs, Mississippi complex, in violation of Section 703(a)(1) and Section 704(a) of Title VII, 42 U.S.C.2000e-2(a)(1) and § 2000e-3(a). These unlawful practices include maintaining a sexually hostile work environment, sexual harassment of Robert Herring and retaliation.

8. The sexual harassment to which Defendant Heritage subjected Robert Herring includes, but is not limited to:

- A) Unwelcome and inappropriate physical contact; and
- B) Unwelcome and inappropriate remarks of a sexual nature.

9. After rejecting the advances of his supervisor, Herring was terminated from his employment with Defendant Heritage.

10. The effect of the practices complained of in paragraphs 7 through 9 above has been to deprive Mr. Herring of equal employment opportunities and otherwise adversely affect his status as an employee, up to and including termination, because of his sex and in retaliation for rejecting the sexual advances of May and reporting the sexual harassment to Defendant Heritage.

11. The unlawful employment practices complained of in paragraphs 7 through 9 above were intentional.

12. The unlawful employment practices complained of in paragraphs 7 through 9 above were done with malice or reckless indifference to the federally protected rights of Robert Herring.

**PRAYER FOR RELIEF**

**WHEREFORE**, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Heritage, its officers, agents, successors, assigns and all persons in active concert or participation with it, from engaging in sexual harassment and/or retaliation and any employment practice which discriminates on the basis of sex.

B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for all of its employees regardless of sex and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Robert Herring by providing back pay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement of Robert Herring.

D. Order Defendant to make whole Robert Herring, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraphs 7 through 9 above, including but not

limited to, relocation expenses, job search expenses, and medical expenses, in amounts to be determined at trial.

E. Order Defendant to make whole Robert Herring by providing him with compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraphs 7 through 9 above, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial.

F. Order Defendant to pay Robert Herring punitive damages for its malicious and reckless conduct described in paragraphs 7 through 9 above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems necessary and proper in the public interest.

H. Award the Commission its costs in this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by the Complaint.

Respectfully submitted,

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WAIVER OF SERVICE FORMS WILL BE SENT WITH COMPLAINT